

DOE 3335.1C
6-23-92

THIS PAGE MUST BE KEPT WITH DOE 3335.1C, MERIT PROMOTION.

DOE 3335.1C, MERIT PROMOTION, HAS REVISED DOE 3335.1B TO REFLECT ONLY ORGANIZATIONAL TITLE AND ROUTING SYMBOL EDITORIAL REVISIONS REQUIRED BY NOTICES IN THE SEN-6 SERIES. NO SUBSTANTIVE CHANGES HAVE BEEN MADE AT THIS TIME. HOWEVER, THIS ORDER WILL UNDERGO SUBSTANTIVE CHANGES IN THE NEAR FUTURE. IF YOU HAVE ANY QUESTIONS ABOUT PROVISIONS OF THE ORDER, PLEASE CONSULT APPROPRIATE STAFF MEMBERS IN THE OFFICE OF PERSONNEL. DUE TO THE NUMBER OF PAGES AFFECTED BY THE REVISIONS, THE ORDER HAS BEEN ISSUED AS A REVISION.

U.S. Department of Energy
Washington, D.C.

ORDER

DOE 3335. 1C

6-23-92

SUBJECT: MERIT PROMOTION

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1. PURPOSE. To provide guidance for promotion and placement of Department of Energy (DOE) and other Federal employees in the competitive service and for the development and implementation of local merit promotion plans.
 2. CANCELLATION. DOE 3335. 1B, MERIT PROMOTION, of 3-30-90.
 3. REFERENCES.
 - a. Federal Personnel Manual (FPM) Chapter 335 and FPM supplement 335-1, which state laws and regulations pertaining to merit promotion.
 - b. FPM Chapter 571, which contains guidance regarding unique positions.
 - c. FPM Chapter 308, which contains regulations and guidance regarding cooperative education students.
 - d. Handbooks X-118, "Qualification Standards for White Collar Positions under the General Schedule, " and X-118C, "Job Qualification System for Trades and Labor Occupations," which contain qualification standards.
 - e. DOE 3330.2 PRIORITY PLACEMENT AND CONSIDERATION, of 10-8-86, which contains policies and procedures regarding repromotion and priority consideration.
 4. POLICY.
 - a. DOE will fill positions in the competitive service from the best available candidates and will utilize its employees in accordance with Departmental policy and applicable civil service laws and regulations.
 - b. Merit promotion actions, and other placement actions, will be taken without regard to political, religious, or union affiliation or nonaffiliation; marital status, race, color, national origin, sex, age, or nondisqualifying physical handicap, nor will such actions be based upon any personal relationship, patronage, or nepotism.

DISTRIBUTION:

All Departmental Elements

INITIATED BY:

Office of Personnel

5. RESPONSIBILITIES.

- a. Director of Administration and Human Resource Management (AD-1), through the Director of Personnel (AD-50), is responsible for ensuring that the Department's personnel management program is based on concepts of merit, efficiency, and effective mission support.
- b. Director of Personnel.
 - (1) Develops, promulgates, implements, and provides advice on policies, standards, and procedures concerning merit promotion and related personnel functions consistent with applicable civil service laws and regulations.
 - (2) Maintains liaison with the Office of Personnel Management (OPM) on merit promotion policy as well as on other personnel related activities.
 - (3) Evaluates the effectiveness of the Department's merit promotion program and other personnel functions.
 - (4) Approves implementation of field merit promotion plans or substantive changes to such plans, exceptions to the minimum area of consideration, and the use of written tests as requested by the appropriate officials.
- c. Heads of Departmental Elements.
 - (1) Staff their organizations by fairly selecting candidates for employment and otherwise utilizing employees in accordance with merit procedures.
 - (2) Use the assistance of the appropriate servicing personnel office when planning recruitment, staffing, and promotion actions.
 - (3) Obtain prior approval of individual merit promotion plans and any subsequent substantive changes to approved plans from the Director of Personnel before implementation. For the purpose of this Order, Headquarters, except the Office of the Inspector General, will be governed by a single Headquarters merit promotion plan.
- d. Servicing Personnel Offices.
 - (1) Perform all phases of technical operational support to organizational units serviced in order that all merit promotion activities are consistent with the provisions of this Order and with local merit promotion plans.

- (2) Provide day-to-day advice and guidance to managers and supervisors on merit promotion matters.
- (3) Maintain liaison with appropriate OPM offices and other organizations as necessary to provide an effective personnel management program for the operating organizational component for which they are responsible.
- (4) Document and maintain merit promotion records for a minimum of 2 years.
- (5) Evaluate the effectiveness of merit promotion and other personnel management functions within their organizational jurisdiction.
- (6) Obtain prior approval of exceptions to the minimum area of consideration and of the use of tests from the Director of Personnel.
- (7) Approve selective placement factors submitted by selecting officials, managers, or supervisors if in accordance with applicable regulations.

e. Selecting Officials, Managers, and Supervisors.

- (1) Establish job-related evaluation criteria, in conjunction with appropriate personnel staff, for use in considering candidates for merit, promotion.
- (2) Give fair and objective consideration to all candidates certified for selection and choose from among this group.
- (3) Promptly provide appraisals of performance and potential as requested for subordinates who are candidates for merit promotion.
- (4) Provide for appropriate formal and on-the-job training for all first-level supervisors in the operation of the merit promotion process.
- (5) Further equal employment opportunities in accordance with Departmental and local affirmative action plans.

RECRUITMENT.

- a. Minimum areas of consideration shall be as follows:
 - (1) All positions at GS/GM-13 (or equivalent Federal Wage System or negotiated hourly rate) through GS/GM-15 which are in the competitive service and which are to be filled through competitive procedures will have a minimum area of consideration which shall be Departmentwide.
 - (2) All positions at GS-12 (or equivalent Federal Wage System or negotiated hourly rate) and below which are in the competitive service and which are to be filled through competitive procedures shall have a minimum area of consideration which shall include all Departmental employees within the commuting area of the position to be filled.
 - (3) Exceptions to the minimum area of consideration may be granted at the discretion of the servicing personnel office if they are able to document, on a case-by-case basis, that there is an adequate number of qualified candidates in the area requested, and that utilization of the prescribed minimum area would be administratively impractical. Continuing exceptions may be granted for any specific job series and grade, as long as the above requirements are met. Such continuing exceptions will be granted for a period not to exceed 1 year. A permanent exception may be made by the servicing personnel office without further approval for any position at GS/GM 13-15 (or equivalent Federal Wage System or negotiated hourly rate) which is being filled on a temporary basis for a period of 1 year or less. In these cases, the minimum area of consideration shall include all Departmental employees in the competitive area to which the position is assigned for reduction-in-force purposes. If the minimum area of consideration for any merit promotion action is to be reduced in accordance with this paragraph, the case file must contain documentation showing the basis for and approval of the exception.
- b. When vacancy announcements are to be posted, the following procedures will apply:
 - (1) Vacancies announced Departmentwide will be posted for a minimum of 21 calendar days. Vacancies announced for a smaller area of consideration will be posted for a minimum of 7 calendar days. Opening and closing dates must take into account time required for reproduction and distribution.

- (2) The servicing personnel office having a vacancy for which an announcement will be posted will be responsible for distributing at least one copy of the announcement to all Departmental components within the area of consideration. Each receiving organization will be responsible for distributing copies of the announcement internally, and for posting announcements on bulletin boards and other designated locations.
 - (3) When specific positions show a high rate of turnover, or a low rate of internal applications, vacancy announcements may be posted as being open continuously for a period not to exceed 1 year. The vacancy announcement must clearly state the open continuous nature of the announcement and the procedures to be used. A register of applicants will be compiled and the applications may either be ranked as they are accepted or when a request is made for certification for a specific vacancy. Applications may not be retained for more than 1 year.
- c. In the case of unique or unusual situations or jobs, the servicing personnel office may request approval from the Director of Personnel for the use of automatic consideration of all eligible candidates within the minimum area of consideration in lieu of advertising the vacancy. This provision is appropriate in such cases as follows:
 - (1) The position is so unique (see FPM Chapter 571, subchapter 1, for guidance) that the qualified persons to be considered are easily identifiable and there are so few candidates that it is in the interest of good personnel administration to consider all eligibles rather than to advertise.
 - (2) The need to fill the position is so critical that the time required for advertisement would unduly delay the selection process and would adversely affect the mission of the organization. In this situation, all eligibles within the minimum area of consideration must be readily identifiable and considered.

7. EVALUATION OF CANDIDATES.

- a. Candidates shall be screened against the appropriate qualifications standard, as prescribed by OPM in Handbook X-118, "Qualification Standards for White Collar Positions under the General Schedule, " or Handbook X-118C, "Job Qualification System for Trades and Labor Occupations, " and selective placement factor(s), if applicable. Eligible candidates shall then be measured against at least three factors, unless there are no more than ten qualified applicants. If there are ten or fewer applicants, up to a total of ten may be referred without ranking.

- b. A selective placement factor is a knowledge, skill, or ability which is required in order to perform satisfactorily in the position in question, and which is not included in the OPM standard and cannot be learned in a reasonable period of time (generally held to be 90 days).
- (1) In the event that a selective placement factor appears to be required, the requesting office must submit a request for approval of the use of selective placement factor(s) to the servicing personnel office. The request must clearly state the level of the knowledge, skill, or ability required and must include ample justification for the use of such a factor. The request will be reviewed by the servicing personnel office to determine whether or not the factor:
 - (a) Unduly restricts the number of eligible candidates;
 - (b) Is not essential to successful performance;
 - (c) Could be obtained through a brief period of training or adjustment;
 - (d) Requires formal education;
 - (e) Increases the amount of general or specific experience requirements listed in the X-118C or X-118; or
 - (f) Is inappropriate for the grade and type of position to be filled.
 - (2) If any of the items listed apply to the proposed factor, the factor must be disapproved. The request, justification, and any subsequent determination must be documented in the case file.
- c. A ranking factor is a knowledge, skill, or ability which will contribute to successful performance in the position to be filled.
- (1) By employing acceptable ranking factors, the supervisor assures referral of candidates with the knowledges, skills, and abilities the supervisor deems most appropriate for the position. At least three ranking factors must be developed for each position and must be:
 - (a) Measurable;
 - (b) Job-related;
 - (c) Numerically weighted;

- (d) Such that meaningful distinctions may be made between candidates; and
 - (e) Statements of specific knowledge, skills, and abilities which will contribute to successful performance on the job.
- (2) Ranking factors must either be worded in such a manner as to ensure complete understanding of the level of the knowledge, skill, or ability considered to be satisfactory, or must be accompanied by a benchmark which will provide an example of the level considered to be satisfactory. Ranking factors must be operationally defined rather than descriptions of desirable traits. Such ranking factors as "dependable," for example, should be replaced with ranking factors describing the specific work behavior required, such as "gets to work on time" or "completes work projects within previously agreed upon time frames." A candidate's experience and education must be considered and due weight must be given to supervisory appraisals and Departmental awards received. Supervisory positions must include ranking factors to measure supervisory abilities in addition to technical abilities.
- d. Plans may (1) provide for individual ranking factors under each area to be measured (e.g., experience, education, training); or (2) consider all of these areas as a whole against each factor. In either case, documentation of the ranking process must be adequate to reconstruct the ranking process, not simply to rerank the candidates. If the second option mentioned above is used, the documentation must show which areas were considered in arriving at the rating, and how each area was considered in order to show the process each rater went through to assign a rating to a specific candidate for a single factor.

8. USE OF WRITTEN TESTS.

- a. In order to ensure validity and consistency in the use of written tests throughout the Department, servicing personnel offices must obtain prior approval from the Director of Personnel before using any test developed or selected under the criteria outlined in FPM chapter 335 or supplement 335-1.
- b. Tests which require prior approval of OPM, as designated in FPM supplement 335-1, will be submitted to the Director of Personnel with a transmittal letter to OPM prepared for the signature of the Director of Personnel.

9. LOCAL MERIT PROMOTION PLAN.

- a. All servicing personnel offices holding delegated authority to effect personnel actions will be responsible for developing local merit promotion plans in accordance with the FPM and this Order. Such plans, and substantive changes to such plans (such as a change in the rating procedure), must be approved by the Director of Personnel prior to their implementation.
- b. Servicing personnel offices should ensure that:
 - (1) Plans are as effective as possible and useful to management and to employees.
 - (2) Promotion actions are taken promptly and properly, and that any employee grievances or other concerns are handled promptly and properly.
 - (3) Promotion actions are used effectively to encourage competent employees and to make the best possible use of their skills.
- c. Each plan must include the following items:
 - (1) Identification of the positions to be covered (i.e., pay plan and grade ranges);
 - (2) A list of all actions to be covered and all exceptions, including those shown in FPM chapter 335;
 - (3) Minimum areas of consideration;
 - (4) Methods of locating candidates;
 - (5) The method used to combine ratings for a final ranking and for determining the best qualified group;
 - (6) Selection procedures;
 - (7) Procedures to be used for an employee to grieve or file a discrimination complaint pertaining to merit promotion; and
 - (8) Specific procedures for including ranking factors for supervisory positions which will measure supervisory capabilities and the applicant's understanding of, and willingness to support, the Departmental equal employment opportunity program, including programs for the handicapped and disabled veterans.

- d. At a minimum, plans should provide selecting officials with the opportunity to make choices from among an adequate number of best qualified candidates and with enough information about the qualifications of the candidates to make a sound choice.

10. REVIEWS OF LOCAL MERIT PROMOTION PLANS.

- a. Onsite personnel management evaluations will include a review of local merit promotion plans and specific actions. Such onsite evaluations may be conducted by OPM or by Departmental personnel management evaluation teams.
- b. In the event that such reviews identify procedural or technical errors, the servicing personnel office will be expected to correct the errors immediately and to ensure future compliance. In the event that the errors are likely to take an extended period of time to correct, or in other unusual situations, the Director of Personnel may, at his or her discretion, take whatever action may be appropriate to ensure compliance with Federal laws and regulations, up to and including revocation of delegated personnel authorities.

11. COVERAGE AND EXCEPTIONS. FPM Chapter 335-1-5A and 5B list certain actions which must be processed under the competitive procedures of a merit promotion plan and certain actions which must be excepted from such procedures. In addition to the mandatory exceptions in the FPM, the following actions must also be excepted from competitive merit promotion procedures:

- a. A career promotion, so long as the employee was selected initially under competitive procedures (either through merit promotion procedures or through competitive appointment) for an assignment intended to prepare the employee for the position being filled. The intent to noncompetitively promote must have been made a matter of record and career ladders must be fully documented.
- b. A promotion resulting from an employee's position being reclassified at a higher grade because of the assignment of additional duties and responsibilities. The assignment of such additional duties and responsibilities must not unduly deprive other employees in the area of consideration of the opportunity to compete for higher graded positions. This exception will generally be used only in those cases where the accretion of duties has not been the result of planned management action, or where no actual vacancy exists to be advertised. This exception will not be used where a change in organization results, since the employee would, in that case be moving to a different position.

- c. A promotion within an established career ladder of an employee who was noncompetitively converted to a career or career conditional appointment from an appointment as a cooperative education student, in accordance with the provisions of FPM chapter 308 or from a PAC B appointment.
- d. A reassignment to a position having promotion potential no higher than that of the last position held.
- e. A promotion to a grade from which the employee was demoted involuntarily and without personal cause. The phrase "without personal cause" generally means without misconduct or inefficiency on the part of the employee. This exception will be referred to as repromotion consideration. Specific procedures are contained in DOE 3330.2.
- f. A promotion of an individual entitled to priority consideration. Priority consideration means that the servicing personnel office, or other appropriate authority, has found that an employee was not properly considered in a previous promotion action which was allowed to stand. The phrase "not properly considered" means that a violation of the OPM regulations, Departmental regulations, or local plan procedures occurred, or that an error resulted in improper referral (i.e., the employee should have been on the best qualified list and was not, or that incomplete information was referred to the selecting official and had an impact on the selection decision). Specific procedures are contained in DOE 3330.2.

BY ORDER OF THE SECRETARY OF ENERGY:



DOLORES L. ROZZI
Director of Administration and
Human Resource Management